

REMARKS

Claims 1-39 stand rejected. Claims 1-39 remain pending in the patent application. Applicant respectfully requests further examination and reconsideration in view of the remarks set forth below. Applicant respectfully submits that the amendments to the patent application herein do not add new matter to it.

35 U.S.C. §102 Rejections

Claims 1, 4, 9, 12-16, 20, 24, 27-31, 34, 36, 38, and 39 of the present application are rejected under 35 U.S.C. §102(b) as being anticipated by Nishio et al., US Patent Number 5,557,317 (hereinafter Nishio).

CLAIM 1

Applicant respectfully contends that Nishio fails to teach or suggest subject matter recited in newly amended independent Claim 1. For instance, amended Claim 1 recites in part (emphasis added):

said digital video recorder receiving a programming instruction from said server computer to record said television show when broadcast by a television content provider, after said server computer locating said digital video recorder;
said digital video recorder recording said television show during broadcast of said television show by said television content provider, after said digital video recorder receiving said programming instruction;

Applicant respectfully asserts that Nishio does not teach or suggest a digital video recorder as specifically recited in amended Claim 1. For example, Applicant respectfully

contends that Nishio is silent on a digital video recorder recording a television show during its broadcast by a television content provider, after the digital video recorder receives the programming instruction as recited in amended Claim 1.

Since Nishio fails to teach or suggest at least one element recited in amended Claim 1, Applicant respectfully asserts that Nishio does not anticipate the subject matter recited in amended Claim 1. Therefore, Applicant respectfully submits that amended Claim 1 is allowable over Nishio.

CLAIM 16

Applicant respectfully asserts that Nishio does not teach or suggest subject matter recited in newly amended independent Claim 16. For instance, newly amended Claim 16 recites in part (emphasis added):

said set-top-box receiving a programming instruction from said server computer to record said television show when broadcast by a television content provider, after said server computer locating said set-top-box;

said set-top-box recording said television show during broadcast of said television show by said television content provider, after said set-top-box receiving said programming instruction;

Applicant respectfully contends that Nishio fails to teach or suggest a set-top-box as specifically recited in amended Claim 16. For example, Applicant respectfully asserts that Nishio is silent on a set-top-box recording a television show during its broadcast by a television content provider, after the set-top-box receives the programming instruction as recited in amended Claim 16.

Since Nishio does not teach or suggest at least one element recited in amended Claim 16, Applicant respectfully asserts that Nishio does not anticipate the subject matter recited in amended Claim 16. Therefore, Applicant respectfully submits that amended Claim 16 is allowable over Nishio.

CLAIM 31

Applicant respectfully contends that Nishio fails to teach or suggest subject matter recited in newly amended independent Claim 31. For instance, newly amended Claim 31 recites in part (emphasis added):

said television Internet box receiving a programming instruction from said server computer to record said television show when broadcast by a television content provider, after said server computer locating said television Internet box;
said television Internet box recording said television show during broadcast of said television show by said television content provider, after said television Internet box receiving said programming instruction;

Applicant respectfully asserts that Nishio does not teach or suggest a television Internet box as specifically recited in amended Claim 31. For example, Applicant respectfully contends that Nishio is silent on a television Internet box recording a television show during its broadcast by a television content provider, after the television Internet box receives the programming instruction as recited in amended Claim 31.

Since Nishio fails to teach or suggest at least one element recited in amended Claim 31, Applicant respectfully asserts that Nishio does not anticipate the subject

matter recited in amended Claim 31. Therefore, Applicant respectfully submits that amended Claim 31 is allowable over Nishio.

CONCLUSION

In light of the above listed remarks, Applicant respectfully requests reconsideration of rejected Claims 1-39.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: AUGUST 20, 2004

A handwritten signature in black ink, appearing to read 'Thomas M. Catale', written over a horizontal line.

Thomas M. Catale
Registration No.: 46,434

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, CA 95113

Voice: (408) 938-9060
Facsimile: (408) 938-9069